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HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri H.L. Dattu, C.J.

Writ Petition No. 986 OF 1991.

Petitioners

1. Udhoram Sahu, Son of Thanuram Sahu, Time-Keeper, R.D.A., Resident of Parasmagar, Raipur, Tahsil and District Raipur (M.P.)
2. Kamlesh Kumar Mishra, S/o. J.P. Mishra, Time-Keeper, R.D.A., Resident of Nayapara, Raipur, Tahsil and District Raipur (M.P.)
3. Devashish Bhadudi son of S.K. Bhadudi, Time-Keeper, R.D.A., resident of New Shantinagar, Raipur, Tahsil and District Raipur.
4. Shivkumar Dewangan, S/o. H.K. Dewangan, Time-Keeper, R.D.A., Resident of Kankalipara - Purani-Basti, Raipur, Tahsil and District - Raipur (M.P.)
5. Jagram Dewangan, son of Ramcharan Dewangan, Time keeper, R.D.A. Resident of Sanjay Nagar, Raipur, Tahsil and District Raipur (M.P.)
6. Naresh Kumar Mishra, S/o. V.P. Mishra, Time-Keeper, R.D.A., Resident of Nayapara, Raipur, Tahsil and District Raipur (M.P.)
7. Rajkumar Awasthy, son of S.S. Awasthy, Time-Keeper, R.D.A. Resident of Banipara, Purani-Basti, Raipur, Tahsil and District Raipur (M.P.)
8. Yunis Dani, son of Sheikh Hussan, Muster-Clerk, Resident of Nehrunagar, Raipur, Tahsil and District Raipur M.P.
9. Ambadas Kothekar, son of M.R. Kothekar, Pumpman, R.D.A. Resident of Devendra Nagar, Raipur, Tahsil and District Raipur (M.P.)
10. Ganesh Ram Sahu, son of Khorbahara Ram Sahu, Pumpman, resident of Shankar Nagar, Raipur, Tahsil and District - Raipur (M.P.)
11. Afjal Jussain son of Shabir Hussain, Electrician, R.D.A. Resident of Telibandha, Raipur, Tahsil and District Raipur (M.P.)

12. Subhash Singh Thakur, S/o. Jainandan Singh Thakur, Electrician, R.D.A., Resident of Telibandha, Raipur, Tahsil and District Raipur (M.P.)

Vs.

Respondents

1. Raipur Development Authority, Raipur, through its Chief Executive Officer.
2. The Government of Madhya Pradesh, through Secretary, Housing and Environment Department, Madhya Pradesh, Bhopal

Petition under Articles 226/227 of the Constitution of India for issuing an appropriate writ, or direction or order in the nature of the writ etc.

Present: Shri Goutam Bhaduri, counsel for the petitioners.
Shri B.P. Sharma, counsel for respondent No.1.

ORAL ORDER
(Passed on 11th April, 2007)

The petitioners are working as time-keepers, must clerks, pump-men, electrician etc. with the 1st respondent, Raipur Development Authority which is constituted under the provisions of Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973. Initially, they were working as contingency employees and thereafter it appears that their services were regularized on 23.1.1990, subject to the approval of the State Government.

2. While working as regular employees, they were served with yet another order dated 22.01.1991 cancelling the earlier order passed by the respondents regularizing their services. Aggrieved by this action of the respondents, the petitioners were before this Court.

3. The other relief sought for in the writ petition is for a direction to the respondents for creation of posts etc. For disposal of this writ petition that prayer need not be taken note of by me. It appears that during the pendency of the writ petition the 1st respondent sometime in the year 1995 has regularized the services of the petitioners. In view of the development as on

today, the first relief sought for by the petitioners would not survive for consideration of this Court.

4. The petitioners have also filed an application for amendment in the prayer portion of the petition. In the said application they have requested this Court to direct the respondent to pay salary of a regular employee for the period 22.1.1991 to 1995.

5. In my view, that prayer of the petitioners made in the application for amendment need not be considered by me. If for any reason, the petitioners are of the view that they should be paid salary payable to regular employees for the period 22.1.1991 to 1995, they should make appropriate representation before the 1st respondent seeking the aforesaid relief, and if for any reason, that representation is not considered by the respondents, then only the cause of action would arise for the petitioners to approach this Court for the said relief. In that view of the matter, the application for amendment is rejected. However, liberty is reserved to the petitioners to make appropriate representation before the 1st respondent for appropriate relief. If and when such representation made, the respondents are directed to consider the same in accordance with law. Ordered accordingly.

6. In view of above, the writ petition stands disposed of.

Sd/-
Chief Justice